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BEFORE THE ARIZONA CORPORATION COMMISSION

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WILLIAM A. MUNDELL
CHAIRMAN
JIM IRVIN
COMMISSIONER
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COMMISSIONER

Arizona Corporation Commission

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AZ CORP COMMISSION
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IN THE MATTER OF THE APPLICATION OF
THE ARIZONA ELECTRIC DIVISION OF
CITIZENS COMMUNICATIONS COMPANY TO
CHANGE THE CURRENT PURCHASED POWER
AND FUEL ADJUSTMENT CLAUSE RATE, TO
ESTABLISH A NEW PURCHASED POWER AND
FUEL ADJUSTMENT CLAUSE BANK, AND TO
REQUEST APPROVED GUIDELINES FOR THE
RECOVERY OF COSTS INCURRED IN
CONNECTION WITH ENERGY RISK
MANAGEMENT INITIATIVES.

DOCKET NO. E-01032C-00-0751

STAFF JOINDER IN MOHAVE
COUNTY AND SANTA CRUZ
COUNTY'S OBJECTION TO
NOTICE OF APPEARANCE OF
SUBSTITUTE COUNSEL

On May 2, 2002, a Notice of Appearance of Substitute Counsel (the "Notice") was filed, purporting to enter the appearance of Brown & Bain, P.A., by and through Joseph E. Mais and Anthony L. Marks, on behalf of Citizens Communications Company ("Citizens") in this proceeding. Thereafter, on May 9, 2002, Mohave County and Santa Cruz County submitted their objection to the Notice of Appearance ("the Objection").

Commission Staff agrees with the sentiment expressed in the Objection. It is neither necessary nor productive to recite again the litany of unfortunate and inappropriate actions taken by Citizens in this proceeding. The Notice is simply one more in a series. It is most unfortunate that, after all of the proceedings caused by Gallagher and Kennedy's relationship with Arizona Public Service Company ("APS") and Citizens, that Citizens would select as their substitute counsel, a firm with direct conflicts relating to the very decisions at issue.

The testimony and pleadings filed on Citizens behalf in this proceeding make it abundantly clear that Mr. Mais is a potential witness in this proceeding. Staff agrees with the Objection in this regard. Staff independently arrives at the same conclusion. In addition, as the Counties make clear in the Objection, Mr. Mais' status as a potential witness acts to foreclose Brown & Bain's participation in this proceeding, as required by Ariz. Rules of Supreme Court Rule 42 (ER 3.7).

1 Accordingly, Staff joins the Counties in their Objection. Consistent with their responsibility
2 as members of the State Bar of Arizona, Brown & Bain is encouraged to refrain from undertaking the
3 representation of Citizens in this proceeding. Alternatively, the Commission should disqualify
4 Brown & Bain from representing Citizens in this proceeding and direct that Citizens provide notice of
5 appearance of substitute counsel that is able to represent Citizens in this proceeding.

6 RESPECTFULLY SUBMITTED this 14th day of May, 2002.

7 *Christopher C. Kempley*

8 Christopher C. Kempley, Chief Counsel
9 Jason D. Gellman, Attorney
10 Legal Division
11 Arizona Corporation Commission
12 1200 West Washington Street
13 Phoenix, Arizona 85007
14 (602) 542-3402

12 The original and ten copies of the
13 foregoing were filed this 14th day of
14 May, 2002, with:

14 Docket Control
15 Arizona Corporation Commission
16 1200 West Washington Street
17 Phoenix, Arizona 85007

17 COPIES of the foregoing were mailed
18 this 14th day of May, 2002 to:

19 Michael M. Grant
20 Todd C. Wiley
21 GALLAGHER & KENNEDY
22 2575 E. Camelback Road
23 Phoenix, Arizona 85016-9225
24 Attorneys for Citizens Communications Company

23 Daniel W. Pozefsky
24 RUCO
25 2828 N. Central Ave., Suite 1200
26 Phoenix, Arizona 85004

26 John White
27 Christine L. Nelson
28 Deputy County Attorney
P.O. Box 7000
Kingman, Arizona 86402

1 Walter W. Meek
 2 AUIA
 2100 N. Central Ave., Suite 210
 3 Phoenix, Arizona 85004
 4 Holly J. Hawn
 Santa Cruz Deputy County Attorney
 5 2150 N. Congress Drive, Ste. 201
 6 Nogales, AZ 85621
 7 Raymond S. Heyman
 Michael W. Patten
 8 ROSHKA HEYMAN & DeWULF
 400 East Van Buren Street, Ste. 800
 9 Phoenix, AZ 85004
 10 Attorneys for Mohave and Santa Cruz Counties
 11 Marshall Magruder
 Lucy Magruder
 12 P. O. Box 1267
 13 Tubac, AC 85646-1267
 14 Jose L. Machado
 777 North Grand Avenue
 15 Nogales, AZ 85621
 Attorney for City of Nogales, AZ
 16
 17 L. Russell Mitten
 Citizens Communications Company
 18 3 High Ridge Park
 Stamford, CT 06905
 19

20
 21 monica A. Martinez
 22
 23
 24
 25
 26
 27
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